



Elections Scotland

The Electoral Management Board for Scotland

***Chief Counting Officer Designate for the Scottish  
Independence Referendum***

**Timing of the Count and Declaration of Result for the  
Scottish Independence Referendum**

**An Issues Paper / Consultation**

Issued: November 2013

## **EXECUTIVE SUMMARY**

### ***Purpose***

There is great interest from the public, campaigners and the media in knowing when the result of the Scottish Independence Referendum will be declared. While it is the intention of the Chief Counting Officer Designate to make the declaration as soon as possible, with the counting of papers commencing immediately following the close of polls, this paper highlights factors that will affect how long local counts may take and when the resulting national declaration might be made.

The CCO wants to inform the ongoing conversation about the referendum with some key information about process. This paper aims to share these issues with stakeholders, including voters, campaigners, the media and the professionals involved in delivering the referendum. Any comments from these stakeholders are welcome. Responses should be submitted to the Chief Counting Officer Designate via the Secretary of the Electoral Management Board for Scotland [chris.highcock@edinburgh.gov.uk](mailto:chris.highcock@edinburgh.gov.uk)

### ***Process***

Polling for the Scottish Independence Referendum will be held on 18 September 2014. It is the Chief Counting Officer Designate's intention that following the close of polls at 10pm Counting Officers (COs) will begin counting the votes. Separate counts will be held in each local authority area. COs will report local totals to the Chief Counting Officer Designate (CCO), who will verify them and authorise local announcements. Local totals will also be announced by the CCO in Edinburgh. A final declaration of the national result will be made by the CCO following receipt and verification of all 32 local totals.

### ***What we can control and what we can't***

It is recognised that stakeholders – voters, campaigners, governments and the media – will wish to know the result as soon as possible. Several factors including the geography of an area, weather, turnout and the availability of resources will affect the timing and the length of time that individual counts will take. Factors such as geography, weather or road conditions are outwith the control of the COs and CCO. This paper lists such issues and outlines approaches that local COs and the CCO may take to minimise the duration of counts. It should be clear from this analysis that there can be no firm prediction of a time when the result will be known.

A benchmark of a recent election with a similar turnout, for example a UK Parliamentary Election, might be instructive, but many factors might lead to extended counts and a later declaration.

### *Accuracy and Integrity*

The CCO has a simple objective: the 2014 Scottish Independence Referendum will deliver a result that will be trusted as accurate. This requires procedures predicated on integrity and accuracy rather than speed. Counts will be run efficiently and consistently across Scotland to ensure a fair, transparent and secure process. There is no desire for undue delay but the stages of a count will necessarily take time and cannot be rushed. The COs and CCO recognise the theatre and excitement of this unique and important event. However it is an operation which is to be built on principles of good process. Getting the result right is more important than getting it quickly.

Mary Pitcaithly OBE  
Chief Counting Officer Designate

4 November 2013

## 1. Purpose

- 1.1 There is intense interest and excitement around the Scottish Independence Referendum on 18 September 2014. This democratic event will have major implications for Scotland and the rest of the UK. Voters, campaigners, governments and the media are considering the issues and planning actions in response to the final decision.
- 1.2 Following the poll all stakeholders will be keen to know the result as quickly as possible. At the conclusion of a long campaign the people of Scotland and campaigners will want to have clarity as to the timing of the local totals and the declaration of the overall result. National and international media are already planning their coverage of the event. Their scheduling and resource planning will be shaped around the anticipated timings of local and national announcements.
- 1.3 This paper aims to identify the factors that will impact on the timing of the declaration of the result. It might not answer the question “*when will we know?*” with a precise time but it will explain what will affect when we might expect to find out.

## 2. The Scottish Independence Referendum

- 2.1 On 15 October 2012, the Scottish and UK Governments reached an Agreement to work together to ensure that a referendum on independence for Scotland could take place. The Referendum Bill was introduced to the Scottish Parliament on 21 March 2013. This includes the question to be asked on 18 September 2014 and sets out the rules for the conduct of the referendum.
- 2.2 The legal framework for referendums held under legislation enacted by the UK Parliament is set out in the Political Parties, Elections and Referendums Act 2000 (PPERA). The Referendum Bill is substantially based on this legislation, but there are some differences.

## 3. The Chief Counting Officer

- 3.1 For a referendum conducted under the PERA framework the Chair of the Electoral Commission, or someone she appoints, is designated as Chief Counting Officer (CCO), responsible for the conduct of the referendum and the declaration of the result.
- 3.2 Section 4 (2) of the Referendum Bill identifies that the CCO for the Scottish Independence Referendum will be the Convener of the Electoral Management Board (EMB) for Scotland. The Convener of the EMB is currently the Returning Officer for the Falkirk constituencies and Chief Executive of Falkirk Council, Mary Pitcaithly OBE.

- 3.3 The Bill identifies the duties of the CCO as:
- ensuring the proper and effective conduct of the referendum;
  - the conduct of the poll;
  - the verification and counting of the votes;
  - appointing a Counting Officer (CO) for each of the 32 local government areas;
  - providing guidance and direction to COs and Electoral Registration Officers on the exercise of their functions in relation to the referendum;
  - undertaking public awareness activity; and
  - setting performance measures for COs and monitoring performance on an on-going basis.
- 3.4 While, the CCO is not appointed until the Referendum Bill receives Royal Assent, expected in December 2013, as CCO Designate the EMB Convener has already commenced planning and preparations for the Referendum, with project governance structures built around a formal PRINCE2 framework. This has included initial planning for the count, developing guidance for local Counting Officers and procedures to collect, collate and verify local totals to deliver the national result.

## 4. The CCO's Approach

- 4.1 At a meeting of the EMB in August 2013 the Convener of the EMB, as CCO Designate, shared a paper with the Board outlining her approach to the role of CCO. This was supported by the EMB and has been circulated to Returning Officers and their teams (Appendix1).

### *Objective and Principles*

- 4.2 To guide her planning the CCO has committed to a simple objective: **the 2014 Scottish Independence Referendum will deliver a result that will be trusted as accurate.** The referendum will take place in a period of heightened political debate and the COs and CCO must ensure that the process, security, integrity and accuracy of the administration of the referendum must never be in question. All project planning, guidance, directions, communications and performance management will support this objective. This is also central to discussion around the count.
- 4.3 Supporting this objective, the CCO has identified four principles, each consistent with the basis of the EMB: that the interests of the voter should be at the centre of all decision-making related to electoral events. These principles are:
- **Accessibility** - there should be no barriers to any voter taking part;
  - **Consistency** - voters should have the same experience wherever they are in Scotland;

- **Efficiency** - the referendum will be administered efficiently; and
- **Integrity** - the referendum will produce results that are accepted as accurate.

### ***Approach: Consensus, Guidance and Directions***

- 4.4 The Scottish Independence Referendum Act will give the CCO power to direct Counting Officers and EROs, but the intention is to operate by consensus and guidance wherever possible with directions limited to those areas where consistency is vital.
- 4.5 Under the Referendum legislation, a key responsibility of the CCO is around the count.

## **5. The Count Process: Local and National**

- 5.1 Before there can be any estimate of the timing of a result there needs to be an understanding of the count processes. The count is an area where consistency is vital and the CCO will direct on count procedures.

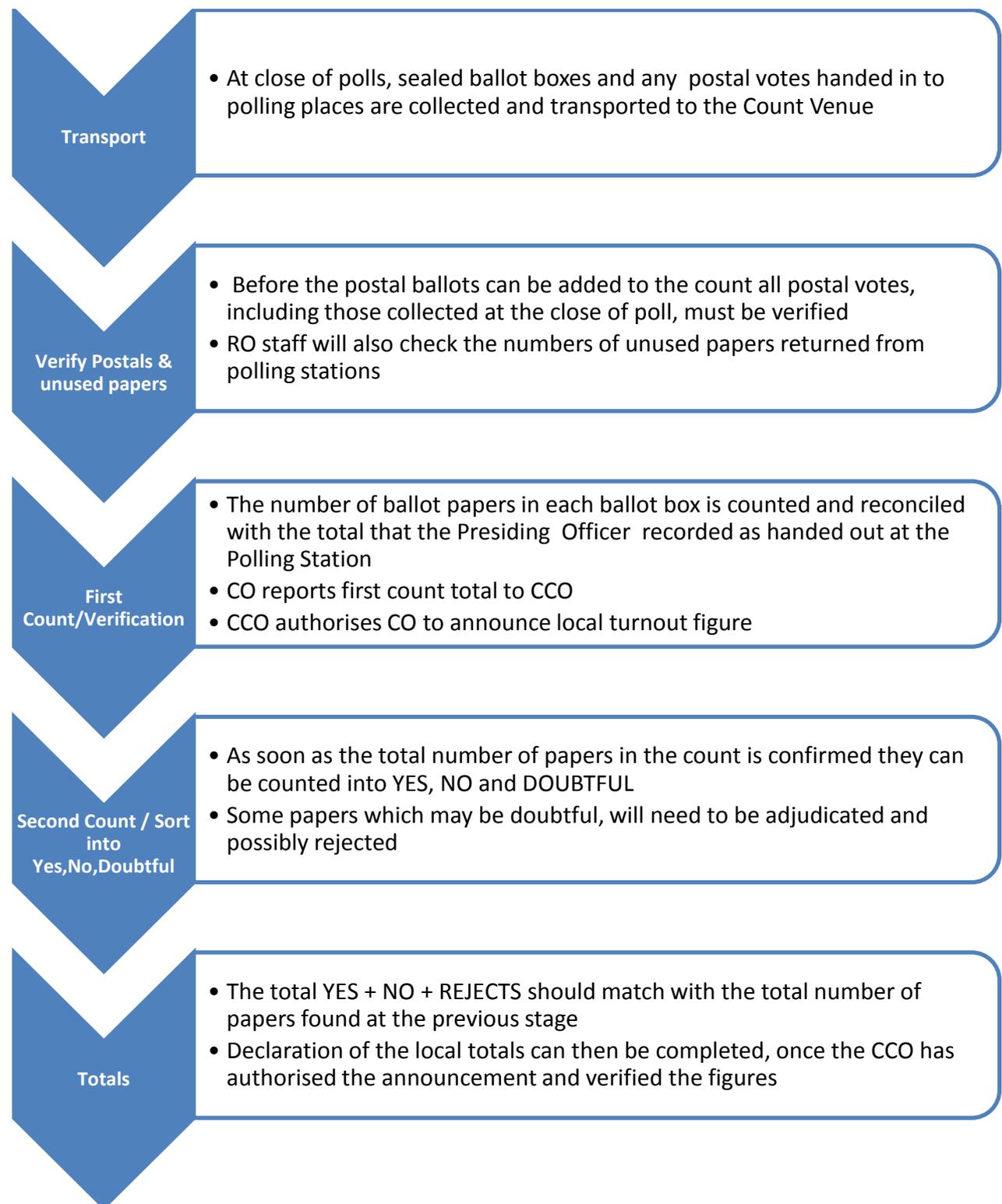
### ***One result, 32 totals***

- 5.2 In a national referendum there is only one result: the total number of votes cast in favour of each answer to the referendum question across the whole country. There will not be a result in Highland or a result in Perth, only totals for those areas. Local totals may or may not reflect the national picture. The national *result* is the aggregate of 32 local *totals*.

### ***Local Counts***

- 5.3 The Referendum will be administered by 32 COs each responsible for the event in their local authority area. They will oversee the printing of the ballot paper, production and distribution of postal votes, the verification of personal identifiers (signatures and dates of birth) on returned postal votes, setting up polling places and staffing sufficient polling stations in them, transporting the ballot papers to the count hall and counting the votes.
- 5.4 The general count process is as shown on the following page.

## Local Count Process

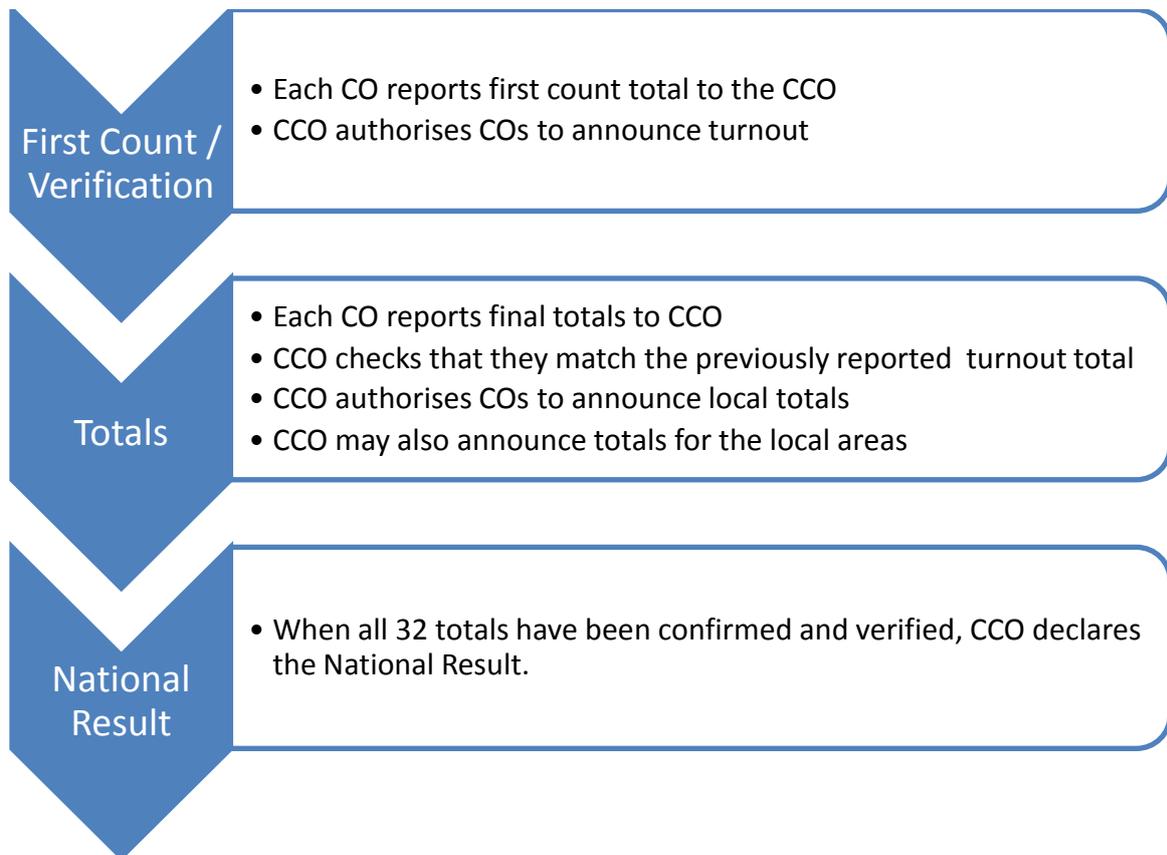


5.5 Throughout the process, COs will keep observers and campaigners informed of the progress of a count. Before submitting any figures to the CCO they would seek to ensure that observers were content with the processes and the totals that had been derived.

- 5.6 COs might choose to organise counts on the basis of wards or constituencies to simplify planning, but the totals that will be reported to the CCO will be from the whole local authority area. There will be only one declaration per council area.
- 5.7 On one level the count process is simple. The number of ballot papers being dealt with needs to be confirmed – counting the contents of each ballot box. Then the totals of YES, NO and REJECTED must be calculated. These totals should reconcile with the number of ballot papers in found in the ballot boxes.
- 5.8 If the CCO is to fulfil her legal responsibilities in verifying the result, she needs to be satisfied with the processes used in each local count. The CCO will issue guidance on an approach to the count that will ensure and support accurate counts in which the totals can easily be reconciled with any discrepancies quickly traced and resolved. The CCO may also direct certain actions, such as sharing the results of the first count / verification box by box, with observers.

***National Count Process***

- 5.9 Each CO will report their local totals to the CCO, allowing the CCO to compile and verify a national result. As well as the processes in each count, the CCO needs to trust the figures that are reported to her.
- 5.10 The National Count Process is outlined below:



- 5.11 All communication between the COs and CCO will be via a secure electronic network, with figures confirmed by a telephone. Contingency systems, including secure fax lines, will be in place.
- 5.12 Factors affecting each of the steps above will impact on the point at which a result will be known. For example there may be a situation in which the CCO is not satisfied with the figures provided and might instruct them to be checked or even request a recount.

## **6 Official or Unofficial**

- 6.1 The result of the referendum will only be officially declared when all 32 local totals have been provided to the CCO and she has accepted them as valid. As each total is checked and accepted by the CCO, the local CO will be authorised to announce the totals for their local authority area. Again, there may be circumstances in which the CCO might have to refer figures by to the CO for checking and re-reporting.
- 6.2 As counts are completed in each of the 32 areas and totals announced, there may be a point, when the remaining certified totals yet to be received from Counting Officers could not change the overall outcome, when the outcome will be known before the national declaration.

## **7 Accuracy not Speed**

- 7.1 The CCO's Approach, Objective and Principles have been discussed above. The interests of the voter must come before any other stakeholder be they campaigners, media, observers, government or electoral administrators. While there is a great desire to know the result, the voter needs to be assured that the result that is declared is correct. The result needs to be accurate and based on secure and transparent processes. A result delivered quickly but about which there are questions of accuracy or integrity would undermine the entire referendum process.
- 7.2 The priority is not to produce a result as quickly as possible but to conduct counts transparently, accurately and securely. COs must act in accordance with legislation and work to enhance voters' confidence in the democratic process.
- 7.3 There is theatre in any electoral event and the Scottish Independence Referendum will be a major event at a national and international level. While recognising the drama, democracy is best served by accurate careful processes, not necessarily fast ones.

## 8 What factors will impact on the timing of the declaration?

- 8.1 With these processes in view, factors that will impact on the timing of the final national result can be identified. The result needs all 32 local totals. The timing of each local total may be affected by a range of factors.

### *Geography*

- 8.2 The first factor to be considered is how long it will take to get the ballot boxes to the count. This will vary due to basic geography.
- 8.3 The 32 local authority areas in Scotland are very diverse. They include compact urban areas with good transport links and large rural territories with, potentially, more challenging road conditions. There are mainland communities where the logistics of getting ballot boxes to the count is straightforward and there are island authorities where the movement of ballot boxes involves boats and aircraft and is dependent on the weather.
- 8.4 The CCO Designate has already consulted COs across the country to confirm their initial count plans. All have confirmed that they can count overnight which is in line with the desire of the CCO. Despite Scotland's geographical challenges, only one local authority area, Argyll and Bute, does not normally count overnight. Due to difficulties in retrieving ballot boxes from some islands in the dark, they usually undertake the count on the day following the poll. For this referendum, however, their CO has confirmed that plans are in place to facilitate an overnight count either through special transport arrangements or separate satellite counts.

### *Weather*

- 8.5 Even with this experience and specific planning, there are factors outwith the control of the CO. Where boxes are being transported over long distances by road or where there is a reliance on boats or aircraft, severe weather could delay delivery. Whatever logistical and transport plans and contingencies are put in place, weather or road conditions may delay the receipt of ballot boxes at a count. This would delay that count and, as a consequence, the overall national result.
- 8.6 For example, the CO in Comhairle nan Eilean Siar / Western Isles has to plan the transport of boxes from islands. With the use of a helicopter planned, the main risk of delay in announcing a local result would be bad weather preventing the helicopter from flying. Contingency arrangements would see ballot boxes from the Uists and Barra transported to the Count Centre using road and sea transport. If the helicopter is on time they would expect to be in a position to declare overnight. If the contingency arrangements are required then the boxes would not arrive, again depending on the weather, at the Count Centre until the next day, with a later declaration.

### *Turnout*

- 8.7 COs will plan counts based on an estimate of how many papers they will have to deal with. This will allow them to put in place sufficient count staff, materials and furniture to process the ballot papers efficiently, transparently and securely. COs will plan to be able to handle all of the votes that are cast. However a very large turnout may increase the time that the count will take irrespective of any additional resources that are put in place, simply due to the physical limits of venues and staff. Count venues need to accommodate the count itself, the verification of unused papers and that of postal votes. The venue may place a limit on the space available for conducting the count and therefore how long it will take.

### *Postal Vote Volumes*

- 8.8 A key step in assuring the integrity of the electoral process is the verification of Absent Vote Identifiers (AVIs) on postal votes. Since the introduction of AVIs, Returning Officers have developed substantial experience in handling postal votes and checking the identifiers. AVIs were introduced to address issues of postal vote fraud which had occurred in some areas of the UK.
- 8.9 Experience indicates that a substantial number of postal votes are received on the day of poll, either at polling stations or from the Royal Mail. The identity of these voters has to be verified before their ballots can be passed to the count itself. This process needs to be resourced, can take a significant time and potentially delay the count.
- 8.10 Postal votes received prior to the day of poll will have already been verified and put into sealed ballot boxes ready for the count. Processing any postal votes received on the day of poll however can be a bottleneck preventing the production of results and indeed placed pressure on the count processes for some Returning Officers in the May 2011 polls.
- 8.11 This was one of the factors which prompted the Convener of the EMB to direct all Returning Officers to undertake a count on the day following the poll for the 2012 local government elections, to allow ample time for postal votes to be verified.
- 8.12 COs will be encouraged to put in place a range of measures to minimise the AVI checking that needs to be undertaken at the count. These may include regular pickups of any postal votes from polling places throughout polling day and a targeted communications campaign to encourage early return of postal packs. All postal votes need to be checked however, and there is still a risk that a large volume of postal votes will need to be checked after 10pm. Until this is done the first count – to verify turnout – cannot be completed. Without that step, the counting of ballots into YES/NO and doubtful cannot commence.

### ***Limited Resources***

- 8.13 As noted above, COs will be planning their counts in anticipation of a large turnout. Processing a larger volume of papers than might be usual at election counts would be expected to take longer than usual unless the count resources were increased to cope with the greater volume. For example COs may look to use larger count venues or employ additional staff.
- 8.14 There are limits however. Larger venues may simply not be available in a particular area and within fixed budgets, limiting the number of staff that can be employed. Similarly there may be difficulties in recruiting additional staff. If there are such limits in an area, a substantially increased turnout might delay the completion of a count due to the sheer volume of traffic.
- 8.15 Even where larger capacity can be built in, new venues, layouts and staffing structures may add to the time taken for a count to be concluded due to their novelty.

### ***Observers***

- 8.16 As noted, the referendum is the subject of intense and emotional debate with great interest from campaigners and the public. There is a risk that counts may face large yes/no campaign contingents turning up at the venues, especially in urban areas. Counting Officers will engage with campaign groups ahead of the event to try to prevent any disruption, but there is a danger, especially should there be a close contest.

### ***A Major Emergency***

- 8.17 A major event either at the CCO's count collation venue or at a local count could cause a significant delay. Fire, terrorism or other major incidents will all feature on COs' risk registers, with contingency measures identified for the loss of a venue. Activating any such contingency measure would be a potential source of delay.

### ***Discrepancies in Totals***

- 8.18 The CCO will provide guidance and direction on a model count approach which should minimise the risk of discrepancies due to arithmetical error or the mis-posting of ballot papers. Well-planned count processes should mean that totals that do not reconcile – either at ballot box level or at the final total stage – can be easily traced and resolved. Even with such sound processes there may still be discrepancies in a count that will need to be investigated and corrected.

### *Recounts*

- 8.19 A related issue would be that of a recount. While a close result – especially in a national referendum – would not in itself be a cause for a recount, in order to satisfy observers of the accuracy of a close count a CO might agree to a recount. Recounts would only be undertaken at a local level and only on the basis of concerns about process, not the closeness of a result. Any recount would add to the duration of a count.
- 8.20 The CCO might also require a CO to undertake a recount to resolve a discrepancy in totals if checking did not allow figures to be reconciled.

## 9 Conclusion: Estimating a Declaration Time?

- 9.1 The CCO recognises that many stakeholders are understandably keen to know when they will hear the declaration of the result of the Referendum. This paper is intended to give some context to this discussion, explaining the count process and what factors will affect how long each step might take.
- 9.2 An estimate of a final result cannot be given with any confidence. An overnight count may mean that the result is not declared until early on the following morning. With the current processes and volumes of ballots, particularly postal votes, it is unlikely to be in the early hours as might have been the experience in previous elections. Turnout, volumes of postal votes and logistical factors dependent on the geography and climate must all come into the consideration.

### *Open Communication*

- 9.3 The CCO will engage with campaigners and the media throughout the months leading up to the count so that there is a clear understanding of the processes and their sequencing. The better stakeholders understand what is involved in the process the better they will understand the likely duration.
- 9.4 There will also be very clear and open communication at each count to ensure that observers and the media understand the process and the stage that each count has reached at any particular point. Prior to any announcement notice will be given to observers and the media so that they are able to make themselves ready and take appropriate action, for example arranging television coverage.
- 9.5 If stakeholders, such as the media, are seeking to plan and schedule events modelling might start with a benchmark of a recent Parliamentary election, such as the 2010 UK Parliamentary elections, where the final Scottish declarations were made around 6:30am, or the 2011 Scottish Parliamentary elections when they were around 7:30am.

## 10 Consultation: comments from stakeholders

10.1 It is recognised that there is great interest in when a result of the Referendum will be available. Voters, campaigners, governments and the media will all be desperate to know the outcome. This paper is intended to both prompt and inform an a conversation about this issue, exposing the sort of issues that may lead to counts taking longer to conclude than might be expected or the final declaration of the national result coming later than stakeholders might wish.

### *Your views?*

10.2 This paper only surveys the issues very broadly. The CCO Designate now seeks any comments from stakeholders on these or other related issues. Comments are sought particularly from stakeholders including:

- Campaign Groups;
- Political Parties;
- The media; and
- Counting Officers / electoral administrators.

10.3 Any comments on the issues raised in this paper should be addressed to Mary Pitcaithly, Convener CCO Designate and sent by email through the secretary to the Board: Chris Highcock (chris.highcock@edinburgh.gov.uk 0131 469 3126) by 2 December 2013.

10.4 The CCO would also encourage stakeholders to raise any other issues that they feel might have an impact on count timing but which are not included in this paper. The CCO Designate and the EMB will then review any comments received to consider how processes might be structured to minimise the time that counts may take while preserving the priority of accuracy and integrity.

## What is the Electoral Management Board for Scotland?

The Electoral Management Board for Scotland (EMB) was created by the Local Electoral Administration (Scotland) Act 2011, which gave the Board "the general function of co-ordinating the administration of Local Government elections in Scotland." This involves two specific roles:

- (a) assisting local authorities and other persons in carrying out their functions in relation to Local Government elections; and
- (b) promoting best practice in Local Government elections by providing information, advice or training (or otherwise).

Consisting of Returning Officers, their Deputies and Electoral Registration Officers, the EMB is under the leadership of a Convener who is appointed by Ministers, following an open application process. Specialist advice is supplied by professional organisations of electoral experts, the Scottish and UK Governments and the Electoral Commission.

The EMB was set up on an interim basis in November 2008 as an initiative of the four professional associations responsible for electoral activity in Scotland: SOLAR, the SAA, SOLACE and the AEA, with the support and promotion of the Electoral Commission. This Interim Board was a reaction by the Electoral Community to the issues that arose in the delivery of the combined elections of May 2007 when the Scottish Parliamentary elections were combined with the Local Government elections. In particular, it was a response to the Electoral Commission's report *Electoral Administration in Scotland 2008*, which in itself was the culmination of a deliberative process following those 2007 elections.

Operating on clear principles of promoting a consistent national approach to electoral administration and simplifying decision making - both with the aim of ensuring that the interests of voters were kept at the heart of all electoral activity - the IEMB supported the Regional Returning Officer for Scotland in the delivery of the European Parliamentary Elections in 2009.

It also offered support in terms of common forms and other guidance in the UK Parliamentary Elections in 2010. 2011 saw the IEMB support the Regional Counting Officer, in the delivery of the UK Referendum on voting systems for the Westminster Parliament which, in Scotland, was combined with the Scottish Parliamentary elections.

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**Referendum Guidance:** Anne Laird - Referendum Guidance Consultant  
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### ELECTORAL MANAGEMENT BOARD FOR SCOTLAND

## REPORT **Scottish Independence Referendum: The Chief Counting Officer's Approach**

**MEETING** **30 August 2013**

### BACKGROUND

1. The Scottish Independence Referendum Bill identifies the Convener of the Electoral Management Board for Scotland (EMB) as Chief Counting Officer (CCO) for the Referendum on Scottish Independence to be held on 18 September 2014. This report outlines the approach that the Convener will take to the role, identifying the objective to be achieved, the principles to which she will operate and the style to be adopted. A related report on the specific governance approach and project management arrangements for the Referendum is also to be considered at this meeting.

### MAIN REPORT

#### *Role of the CCO*

2. The Scottish Independence Referendum Bill defines the rules by which the 18 September referendum on independence is to be run. The Convener of the EMB is to be appointed as CCO, with overall national responsibility for delivering the poll. Specifically these functions are defined in the legislation as “ensuring the proper and effective conduct of the referendum, including the conduct of the poll and the counting of votes, in accordance with this Act”.
3. In support of this, the CCO has powers to
  - require information from the Counting Officers;
  - issue directions to Counting Officers and EROs;
  - appoint staff; and
  - require a council to provide, or ensure the provision of, such property, staff and services, as may be required by the Chief Counting Officer for the carrying out of the Chief Counting Officer's functions.

4. The CCO has overall responsibility for the referendum and a suite of project governance structures are being implemented to plan and deliver the event to the highest standards of project management. These formal governance structures are being adopted in order to achieve certain objectives. The CCO also wishes to confirm the adoption of those principles which have successfully delivered recent elections and to clarify the specific duties of the CCO in relation to the Referendum.

### **Project Governance**

5. A separate report is being considered on this agenda specifying the formal project governance structures for the Referendum, outlining the different workstreams and the approaches that will be taken to plan, monitor and assess the CCO's responsibilities. An approach based on PRINCE2 is being adopted, which gives clarity to the objectives of the project and puts in place clear mechanisms for monitoring the delivery of the different workstreams to give an assurance that the work is being completed to the required standards and timescales.

### **Objectives**

6. The Act specifies the legal responsibilities of the CCO. However in order practically to guide her operation and planning she has committed to a simple objective to shape her work:

***The 2014 Scottish Independence Referendum will deliver a result that will be trusted.***

7. The referendum will take place in a period of heightened political debate and the CCO must ensure that the process, security, integrity and accuracy of the administration of the referendum must not be in question. All project planning, guidance, directions, communications and performance management will support this objective.

### **Principles**

8. The CCO will also operate to clear principles to deliver this objective. These flow from the objective but are consistent with the rule on which the EMB is predicated: that the interests of the voter should be at the centre of all decision-making related to electoral events.
9. Specifically, the guiding principles of the CCO, as discussed and agreed at previous meetings of the EMB are:
  - ***There should be no barriers to any voter taking part (accessibility);***
  - ***Voters should have the same experience wherever they are in Scotland (consistency);***
  - ***The referendum will be administered efficiently; and***
  - ***The referendum will produce results that are accepted as accurate (integrity).***
10. **Accessibility.** By its nature a referendum is seeking to determine the views of an electorate on a particular matter. In order to lend legitimacy to the decision, particularly where there are strong feelings around and commitments to the different options, it is vital that as many of those who are entitled to vote are able to take part. The CCO is therefore committed to removing any barriers which might make participation a challenge.
11. **Consistency.** While the referendum will be delivered locally by the 32 Counting Officers, supported by the 15 EROs, across the different voting areas, it is a national event. There is only one result in the referendum: the national result which consists of the aggregate of votes across the whole country. As such it is vital that there is a consistent approach nationally with respect to the fundamentals of how the poll is managed. All voters must have an equal opportunity to take part and must be enabled to do so from a common and consistent position in terms of information and access to the polls.

12. **Efficiency.** As a major national electoral event there will necessarily be significant costs associated with the operation of the referendum. The CCO recognises the broader public sector context in which the event is to be delivered however and will look to oversee a referendum which is administered efficiently and takes full responsibility for the management of public money.
13. **Integrity.** Electoral integrity is key. While there is no recent history of electoral fraud in Scotland, the body of Returning / Counting Officers do not and cannot take this for granted. Secure polls undertaken to the highest standards of transparency and integrity are only achieved through the consistent vigilance of dedicated staff and the implementation of closely monitored procedures.

***Approach: Consensus, Guidance and Directions***

14. The electoral community in Scotland is a relatively close grouping, with a good history of working together to deliver consistent national electoral events. Returning Officers, their Deputies, Electoral Registration Officers and Electoral Administrators operate closely and have a record of mutual support.
15. The Electoral Management Board for Scotland has built on these strong relationships since its inception, initially as an interim body and then as a formal Board created by the Electoral Administration (Scotland) Act 2011, which gave the Convener responsibilities for the coordination of the Local Government Elections in May 2012. The experience of the Convener in undertaking that role was reported on in the EMB's first Annual Report to the Scottish Parliament.
16. These foundations and this history inform the style with which the CCO wishes to operate. While the Scottish Independence Referendum Act gives the CCO power to direct Counting Officers and EROs, the intention is to operate by consensus and guidance wherever possible with directions limited to those areas where consistency is vital. The CCO recognises that there are elements of the delivery of the referendum in which local flexibility is appropriate. As long as there is no danger posed to the achievement of her objectives and the principles of the CCO's approach are observed, then there may be some local variation in approach. However in order to deliver the referendum consistently to the standards required, the CCO is minded to make some directions within a broader framework of guidance, support and performance management. Much detailed planning is underway looking at the production of guidance and performance management. As an element of this the CCO is considering those areas of the delivery of the referendum around which she may issue directions.

***Guidance***

17. The CCO will be issuing guidance to all Counting Officers which will provide a comprehensive set of documentation outlining best practice with respect to the key elements of the administration of the referendum: Planning, Administering the Poll, Absent Voting, the Count and Post Election issues. It is the expectation of the CCO that COs will adhere to principles of this guidance.

***Direction***

18. In addition to COs operating according to this guidance the CCO intends to direct COs to take some specific approaches in areas which will achieve appropriate consistency nationally and which are specifically "voter facing". It is anticipated that this set of directions will be limited but will include instructions, to be determined, in areas including:
  - The date of dispatch of poll cards;
  - The date of dispatch of postal votes;

- Count timing and count model; and
- The method by which local figures are to be communicated with the CCO to allow the collation of the national result.

### ***Performance Management Framework***

19. The CCO also intends to undertake active and live performance monitoring of COs through a Performance Management Framework. This will be included in the guidance issued to COs and COs will be directed to adhere to the framework and to submit the evidence required to allow their performance against those standards to be monitored.
20. In order for the CCO to have assurance regarding the performance of COs in delivering the key voter facing elements of the referendum consistently, COs will be directed to confirm and if appropriate provide evidence that they are achieved the required milestones in the Performance Management Framework.
21. The performance management framework is still under development but it is likely that COs will be required to complete checklists to confirm that they have completed the required elements of the planning and preparation by the appropriate deadlines.

### **RECOMMENDATIONS**

22. It is recommended that :
  - The EMB note the contents of this report, specifically:
    - The CCO’s objective;
    - The CCO’s principles; and
    - The CCO’s intended style of governance.
  - This objective, principles and approach are communicated to the EROs and COs through an EMB Bulletin and the EMB website; and
  - Other stakeholders including Government, the Electoral Commission and campaigners are made aware of these principles.
23. The EMB are asked to consider the proposals in this report for an approach to Guidance, Direction and Performance Management. This framework is intended to support the objective and operating principles of the CCO with an overall desire to achieve consistency in the elements of the referendum which directly impact the voter. Comments from the EMB will inform the final framework that is developed and which will be taken to SOLACE for discussion.